

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BOBBIE BROOKS,

Plaintiff,

v.

Case No. 10-13830

DHT TRANSPORTATION, LLC.,

Defendant.

**ORDER PROVISIONALLY EXTENDING DEFENDANT'S EXPERT REPORT
DEADLINE AND SETTING TELEPHONE CONFERENCE**

Before the court is Defendant's December 16, 2010, motion to extend, requesting a 60 day extension of all dates in the court's October 22, 2010, "Scheduling Order." Plaintiff concurs in the relief requested in the motion. (Def.'s Mot. ¶ 15.) Having reviewed the motion, as well as Defendant's January 4, 2011, supplement, the court finds that an extension is warranted, at least as to Defendant's deadlines, due to the discovery delays encountered thus far in the litigation. After further consultation with the parties at a telephone conference, the court will grant any necessary extensions.

However, based on the information currently before the court, it appears to the court that the delays are almost entirely attributed to Plaintiff. Plaintiff alleges in this litigation that she suffered serious injuries because of the alleged negligence of Defendant, but it is the court's impression that she has not been entirely forthcoming about her medical history. Further, Plaintiff apparently failed to appear for her scheduled medical examination. (Def.'s Supp. Br. at 1-2.) While the court finds that these delays support an extension for Defendant's deadlines, the court is also inclined

to find the delays may warrant sanctions under Federal Rule of Civil Procedure 37(b)(2). These may include prohibiting a Plaintiff from presenting evidence of medical damages, ordering that it be established as fact that Plaintiff did not suffer medical injuries, or dismissing the action. Accordingly, the court will conduct a conference, on the record by telephone, to determine the degree of Plaintiff's cooperation with discovery efforts, the suitability of sanctions, and the length of deadline extensions required by Plaintiff's actions. In the meantime, the court will suspend Defendant's expert report deadline, which is currently set for January 25, 2011. The court will determine the need for any remaining deadlines during the conference.

IT IS ORDERED that the parties shall participate in a telephone conference, on the record, relating to Defendant's motion to extend [Dkt. # 10] on **January 27, 2011, at 11:30 a.m.** Plaintiff's counsel shall be prepared to explain why sanctions should not be imposed for Plaintiff's apparent discovery violations. The court will initiate the call.

IT IS FURTHER ORDERED that Defendant's deadline to produce expert reports is SUSPENDED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 20, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 20, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522